



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/352,661 07/07/99 CHAN

TM02/0326
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EXAMINER

HQ,T

ART UNIT

PAPER NUMBER

2612

DATE MAILED:

03/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/352,661

Applicant(s)

CHAN, CHUK DAVID

Examiner

TUAN HO

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 421 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 03 January 2001 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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1. Applicant's arguments filed 1/3/01 have been fully considered but they are not persuasive.

With regard to claims 1-20, the examiner notes that the new amendments of claims 1-20 overcome the 112, 2nd paragraph rejection.

Applicant argues:

- 1) The original description clearly describes how sensor 50 works (page 11 paragraph 2). In response to the arguments, the examiner notes that the specification describes the result of using sensor 50. It does actually not describe how the sensor triggers the beginning and terminates the process. No prior art shows the features of sensor 50 cited.

- 2) It is clear from the written description that manual triggering including a touch screen, voice activation, or touch button activation or some combination thereof can be used (page 11, paragraph 3). In response to the arguments, the examiner notes that although the description states a manual triggering, it never discloses any touch screen, voice activation, or touch button activation. These elements are considered new matter.

- 3) In paragraph 4 of page 11, "sudden change in force" is new matter although this feature is not underlined in claim 1 (Applicant should underline any amended features).

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4) "this requirement would be outside the scope of the present invention" (page 12, paragraph 2). In response to the arguments, the examiner notes that the core of the invention is the triggering device; wherein this have to be disclosed clearly so that one of ordinary skill in the art understand, make and use the present invention.

It is noted that the terminal disclaimer filed 1/3/01 overcome the double patenting rejection.

For the reason, the rejection is repeated.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-2, 4-15, 21 and 18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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With respect to the specification, the specification does not originally disclose:

1) any touch screen, voice activation, and button switch as described in paragraph 1 of page 3.

2) "Sudden change in force" in paragraph 2 of page 3.

For the reason, this paragraph in page 3 will not be entered.

With respect to the claims, the specification does not originally disclose;

1) "sudden change in force" in claim 1.

2) "touch screen...a triggering circuitry" in claim 10.

3) "sudden change in force", "a presence of objects in said captured images atypical from a predetermined value", "said manual activation...and voice activation" in claim 18.

For the reason, amended claims 1, 10 and 18 will not be entered.

Claims 1-2 and 4-21 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not discloses:

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1) How sensor 50 can trigger and terminate the process (although Applicant states that the feature is disclosed in prior art, no prior art has not been provided).

2) What mechanism calculates the time to be stored so that it is long enough to be stored and viewed after an incident occurred. It is not understood how much time is considered as useful time for each incident. It is noted that each incident has its own time period.

3. The Office action is not made Final since new ground of rejections.

Art rejections are not applied until the 112, first paragraph rejection is overcome.

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306 and (703) 308-6296 (for formal communications intended for entry)

Or:

(703) 308-5399 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal
Park II, 2121 Crystal Drive, Arlington, VA., Sixth
Floor (Receptionist).

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Tuan Ho
whose telephone number is (703) 305-4943. The examiner can
normally be reached on Monday-Friday from 7:00 to 4:00.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Wendy Garber, can be
reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status
of this application or proceeding should be directed to the
Group receptionist whose telephone number is (703) 305-4700.

TH

March 25, 2001


TUAN HO
PRIMARY EXAMINER